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Attorneys for Plaintiff  
FITNESS ANYWHERE, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FITNESS ANYWHERE, LLC,  
  
Plaintiff,  
  
v.  
  
WOSS ENTERPRISES, LLC,  
  
Defendant.

Case No. 5:14-cv-01725 BLF

**DECLARATION IN SUPPORT OF  
PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**

I, Heather Sager, declare and state as follows:

1. I am an attorney with the law firm of Vedder Price (CA), LLP, counsel of record for the above-captioned Plaintiff. I am licensed to practice in the State of California. The following facts are of my personal knowledge and, if called as a witness, I could and would testify competently thereto.

2. I make this declaration in support of Plaintiff's Administrative Motion to File Under Seal.

3. A Protective Order was entered in this case on August 19, 2015. (ECF No. 87.)

1           4. Pursuant to the Protective Order, Defendant WOSS Enterprises, LLC. (“WOSS”)  
2 designated Exhibit 14 to the Deposition of Steve Storum, taken on September 23, 2015, as  
3 “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.”

4           5. The portion of Plaintiff’s Motion for Preliminary Injunction which TRX seeks to  
5 file under seal contains sales information taken from Exhibit 14 to the Deposition of Steve  
6 Storum.

7           6. In order to protect the highly confidential nature of these documents and  
8 information and to honor the Protective Order between the Parties, I respectfully submit that good  
9 cause exists for the Court to grant Plaintiff’s Administrative Motion to File Under Seal a portion  
10 of Plaintiff’s Motion for Preliminary Injunction and Exhibit 14 to the Deposition of Steve  
11 Storum, and respectfully request the Court to enter an order to that effect.

12           7. Counsel for Defendant has been consulted regarding this request and has no  
13 objection. A true and correct copy of Defense Counsel’s e-mail correspondence confirming same  
14 is attached hereto as Exhibit 1.

15           I declare under penalty of perjury under the laws of the State of California that the  
16 foregoing is true and correct.

17 Dated: January 25, 2016

VEDDER PRICE (CA), LLP

19 By: /s/ Heather M. Sager  
20 Heather M. Sager

21 Attorneys for Plaintiff  
22 FITNESS ANYWHERE, LLC  
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# **EXHIBIT 1**

**Porras, Jessica E.**

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**From:** Villeneuve, Alain  
**Sent:** Monday, January 25, 2016 11:09 AM  
**To:** Burke, John K.  
**Subject:** FW: Protected Documents

## VEDDER PRICE®

### Alain Villeneuve

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**From:** Michael Brucker [<mailto:michael@hmblawoffice.com>]  
**Sent:** Monday, January 25, 2016 11:54 AM  
**To:** Villeneuve, Alain  
**Cc:** Waters, Michael J.; Steve Kipperman  
**Subject:** Protected Documents

Alain

Regarding the issue you have raised regarding sealing of WOSS' Protected Documents, the following is WOSS' position.

1. Under no circumstances does WOSS consent to having any of its Protected Material (documents labeled "ATTORNEY'S EYES ONLY") spread on the public record.
2. Whether or not TRX can file such documents under seal is a matter for the court to decide based on the procedures set forth in Civ LR 79-5.
3. While WOSS' consent to having such documents filed under seal seems to be irrelevant, if the choice is between having them spread on the public record or sealed WOSS will argue that they be sealed or that if not filed under seal WOSS would agree they may be presented to the court in camera
4. I request that you attach this document to any motion to seal you may submit. .

Let me suggest a possible alternative. If you will inform me of what documents you want to file and for what purpose, and draft a stipulation that would serve your purpose without revealing the Protected Material, I will give the stipulation serious consideration, provided you understand that I make no advance promise that any stipulation you chose to offer will be acceptable or that a stipulation in place of the documents is even possible.

Michael

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